

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. _____
COMMITTEE OF

4 REFERENCE:

5
6 A BILL

7
8 For an ordinance amending the Denver Code of Ethics

9
10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11
12 **Section 1.** That the introductory sentence to section 2-51, D.R.M.C. shall be amended by
13 adding the language underlined, to read as follows:

14
15 **Sec. 2-51. - Legislative intent.**

16 It is the intent of the city that its officers, officials, and employees adhere to high levels of
17 ethical conduct, honesty, integrity and accountability, so that the public will have
18 confidence that persons in positions of public responsibility are acting for the benefit
19 of the public. Officers, officials, and employees should comply with both the letter and
20 spirit of this ethics code and strive to avoid situations, ~~which~~ that create impropriety or
21 the appearance of impropriety.

22
23 **Section 2.** That section 2-52, D.R.M.C. shall be amended by deleting the language stricken
24 and adding the language underlined, to read as follows:

25
26 **Sec. 2-52. Definitions.**

27
28 (a) *Employee* means any person in the employ of the city or of any of its
29 agencies or departments and any person employed without compensation ~~under the~~
30 ~~terms and provisions of Chapter 18, article II, division 19 of this Code.~~

31
32 (b) *Direct official action* means any action which involves:
33

1 (1) Negotiating, approving, disapproving, administering, enforcing, or
2 recommending for or against a contract, purchase order, lease, concession,
3 franchise, grant, business loan or other similar instrument in which the city is a party.
4 With regard to "recommending," direct official action occurs only if the person making
5 the recommendation is in the formal line of decision making.

6
7 (2) Enforcing laws or regulations or issuing, enforcing, or regulating permits,
8 licenses, benefits or payments;

9
10 (3) Selecting or recommending vendors, concessionaires, or other types of
11 entities to do business with the city;

12
13 (4) Appointing and terminating employees, temporary workers, and independent
14 contractors.

15
16 (5) Doing research for, representing, or scheduling appointments for an officer,
17 official, or employee, provided that these activities are provided in connection with
18 that officer's, official's, or employee's performance of (1) through (4) above.

19
20 Direct official action does not include acts that are purely ministerial (that is, acts
21 which do not affect the disposition or decision with respect to the matter). With regard
22 to the approval of contracts, direct official action does not include the signing by the
23 mayor, the auditor, the manager of finance or the clerk, as required by Charter,
24 unless the mayor, auditor, manager of finance or clerk initiated the contract or is
25 involved in selecting the contractor or negotiating or administering the contract. A
26 person who abstains from a vote is not exercising direct official action.

27
28 (c) *Immediate family* means husband, wife, son, daughter, mother, father, step-
29 son, step-daughter, step-mother, step-father, father or mother in-law, son or daughter
30 in-law, brother or sister in-law, father or mother in-law, son or daughter in-law, brother
31 or sister in-law, aunt, uncle, nephew, niece, grandmother, grandfather, grandchildren,
32 brother, sister, domestic partner, any person with whom he or she is cohabiting and
33 any person to whom he or she is engaged to be married. The term includes any
34 minor children for whom the person or his or her domestic partner provides day-to-

1 day care and financial support. A "domestic partner" is an unmarried adult, unrelated
2 by blood, with whom an unmarried officer, official, or employee has an exclusive
3 committed relationship, maintains a mutual residence, and shares basic living
4 expenses.

5
6 (d) *Officer* means any of the following: the mayor, the auditor, the members
7 of city council, the clerk and recorder, the manager of public works, the manager of
8 parks and recreation, the manager of finance, the manager of environmental health,
9 the manager of general services, the manager of safety, the city attorney, the
10 manager of human services, the manager of aviation, and the manager of community
11 planning and development.

12
13 (e) *Official* means a member of a city board or commission.
14

15 **Section 3.** That section 2-53, D.R.M.C. shall be amended by adding the language
16 underlined, to read as follows:
17

18 **Sec. 2-53. Board of Ethics.**

19 (a) *Creation and appointment.* There is hereby created a board of ethics to consist
20 of five members. The purpose of the board shall be to issue advisory opinions and
21 waivers on ethical issues arising under this article and to hear inquiries or complaints
22 and issue findings and recommendations regarding alleged violations of this article.
23

24 (b) *Qualifications.*

25
26 (1) One and only one member of the board of ethics shall be an officer or
27 employee of the city.
28

29 (2) At least one member of the board of ethics shall be a former judicial officer.
30

31 (3) At least one member of the board of ethics shall have expertise in ethics
32 acquired through education or experience.
33

34 (c) *Method of appointment.*

1
2 (1) The member of the board of ethics who is an officer or employee of the city
3 shall be nominated by the mayor and appointed by council acting by ordinance.

4
5 (2) The mayor shall appoint two of the remaining members.

6
7 (3) The council shall appoint the other two members by ordinance.

8
9 (4) All appointments regardless of appointing authority must be selected from a list of
10 at least three nominees per vacancy submitted by the Board of Ethics Nomination
11 Committee.

12 a. The Board of Ethics Nomination Committee shall be composed of three (3) members
13 each serving a term of four years and shall meet only whenever a vacancy under this
14 section occurs. Officers, employees and officials of the city shall not be eligible for
15 appointment to or service on the committee. Members of the committee shall not
16 receive any salary or compensation for their services. The committee shall include a
17 designee of each of the following:

18 1. Presiding Judge of the Denver County Court

19 2. The Mayor

20 3. City Council by resolution

21 b. The committee shall issue a public vacancy notice and call for applications no later
22 than fifteen (15) days after the vacancy occurs. The committee may issue a public
23 vacancy notice upon the receipt of notice of the resignation or removal of any Board
24 member under subsection (e) without waiting for the effective date of such notice. The
25 committee shall also issue a public vacancy notice ninety (90) days before the
26 expiration of any current board member's term of appointment.

27 c. The committee shall review applications and conduct screening interviews as it
28 deems necessary. A member seeking to be appointed to another term upon expiration
29 of a term of appointment must follow all committee requirements in the public vacancy
30 notice. The committee shall certify a list of at least three (3) nominees to the appointing
31 authority no later than thirty (30) days after the public application period has closed.
32 The appointing authority shall make its appointment within no longer than ~~60~~ 45 days

1 after receiving the certified list of nominees. The appointing authority may reject the list
2 of nominees and request a new list from the committee.

3 (d) *Terms of appointment.*

4
5 (1) Members shall be appointed to terms of four years; however, the first member
6 appointed by the mayor and the first member appointed by the council shall initially
7 serve two year terms to achieve staggered ending dates.

8
9 (2) If a member is appointed to fill an unexpired term, that member's term shall
10 end at the same time as the term of the person being replaced.

11
12 (3) Each member shall continue to serve until a successor has been appointed,
13 unless the member is removed or resigns.

14
15 (e) *Removal.*

16
17 (1) The unexcused absence of any member of the board from three (3)
18 consecutive meetings, unless the board has excused the absence for good and
19 sufficient reasons as determined by the board, shall constitute a resignation from the
20 board.

21
22 (2) The appointing authority may remove a member for inappropriate conduct
23 before the expiration of the member's term, including but not limited to violation of the
24 restrictions set forth in subsection (h) of this section. Before removing a member, the
25 appointing authority shall specify the cause for removal and shall give the member
26 the opportunity to make a personal explanation. Before removing the member who is
27 jointly appointed, either the mayor or the council shall specify the cause for removal
28 and the mayor and council shall give the member the opportunity to make a personal
29 explanation. Members appointed by the council and the member who is nominated
30 by the mayor and appointed by council may only be removed by ordinance.

31
32 (f) *Compensation.* Members of the board of ethics shall serve without
33 compensation. The member who is an officer or employee of the city shall not receive

1 any additional compensation for serving on the board of ethics. Members may be
2 reimbursed for reasonable expenses pursuant to the rules of the city.

3
4 (g) *Consultation with city attorney.* The board of ethics may consult with the
5 city attorney or a designee of the city attorney regarding legal issues which may arise
6 in connection with this article and may request advisory assistance from the city
7 attorney in conducting hearings on complaints or inquiries during any stage of the
8 process.

9
10 (h) *Disqualification.* Any member or employee of the board of ethics shall
11 disqualify himself or herself from participating in any matter before the board in which
12 his or her impartiality might reasonably be questioned, including, but not limited to,
13 instances where he or she has a personal bias or prejudice concerning a party or
14 personal knowledge of or involvement in disputed evidentiary facts concerning the
15 matter; or instances where the member made or solicited campaign contributions or
16 endorsements or provided volunteer services for the campaign of a candidate for any
17 office with the board's jurisdiction or of an individual currently within the board's
18 jurisdiction. In the event that an employee of the board of ethics receives a request
19 for an advisory opinion, a request for a waiver or an inquiry from which the employee
20 is disqualified, and the employee has recused himself or herself, the board shall
21 request a designee of the city attorney or a member of the board to perform all
22 functions the employee would otherwise perform.

23
24 **Section 4.** That section 2-54, D.R.M.C. shall be amended by adding the language
25 underlined, to read as follows:

26
27 **Sec. 2-54. Advisory opinions and waivers.**

28
29 (a) Any current or former officer, official, or employee or the appointing
30 authority of a non-elected officer, an official, or an employee may submit a written
31 request to the board of ethics for advisory opinions on whether any conduct by that
32 person would constitute a violation of the code of ethics. The board of ethics shall
33 render an advisory opinion pursuant to written rules adopted by the board, but in no
34 case shall the board take longer than six (6) weeks from the time it received the

1 request to issue an advisory opinion or to give written notice explaining the reason for
2 delay and stating an expected issuance date.

3
4 (b) The board of ethics may render advisory opinions to individuals who
5 intend to become employees, officers, or officials upon written request of the person
6 or the person's appointing authority. The board of ethics shall render an advisory
7 opinion pursuant to written rules adopted by the board.

8
9 (c) The board of ethics may publish its advisory opinions. It shall do so with
10 deletions as may be lawful and necessary to prevent disclosure of the identity of the
11 individual involved. The board may publish guidelines based on advisory opinions.

12
13 (d) A person whose conduct is in accordance with an advisory opinion or a
14 published unreversed advisory opinion of the board of ethics shall not be found in
15 violation of any of the provisions of this article, provided that the information received
16 by the board was factually accurate and complete.

17
18 (e) Noncompliance with advisory opinions. When the board of ethics has
19 reason to believe that the advisory opinion has not been complied with, it shall inform
20 the person, the person's appointing authority, and the city attorney. The appointing
21 authority, after consulting with the city attorney, shall take appropriate action to
22 ensure compliance. The appointing authority shall report to the board in executive
23 session regarding the action, if any, taken with respect to the person.

24
25 (f) Waivers. Any current, former, or prospective officer, official, or
26 employee may submit a written request for a waiver of any provision of the code of
27 ethics in advance of taking any action that is subject to the waiver request. The board
28 of ethics is empowered to grant a waiver if it finds that the waiver will serve the best
29 interests of the city. The board shall issue appropriate notice of its meeting on the
30 waiver and its meeting shall be open to the public, including any questions posed to
31 the requestor and discussions or deliberations by the board. The board shall either
32 issue or deny the waiver in writing including a statement of reasons released to the
33 public within six (6) weeks of receiving the request. All waiver decisions shall remain
34 available on the board's public website.

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Section 5. That subsection (4) of section 2-55, D.R.M.C. shall be amended by adding the language underlined, to read as follows:

Sec. 2-55. Complaints or inquiries to the board of ethics.

Any person may file an official written complaint or inquiry with the board of ethics asking whether a current officer, official, or employee has failed to comply with this code of ethics. Subject to section 2-56 and the rules adopted by the board pursuant to section 2-56, the board of ethics shall:

(4) If the person who is the subject of the complaint or inquiry is an employee, non-elected officer, or appointed official, and if the board feels corrective action may be necessary, notify the person's appointing authority and recommend that the appointing authority take action, appropriate to the finding, including discipline. The appointing official or authority shall report to the board in executive session regarding the action, if any, taken with respect to the person. If the person who is the subject of the complaint or inquiry is an elected officer, the board may propose actions appropriate to the finding, ranging from a recommendation that the person abstain from further action on the matter or seek a waiver, adopting a resolution reprimanding the person, or referring the matter to the appropriate authority.

Section 6. That subsection 2 of section 2-56, D.R.M.C. shall be amended by adding the language underlined, to read as follows:

Sec. 2-56. Procedures for complaints or inquiries.

The board of ethics shall adopt written rules for complaints or inquiries that create a process that is fair both to the person who submitted the complaint or inquiry and the person who is the subject of the complaint or inquiry. In addition to rules which the board may in its discretion adopt, the rules shall:

(2) Require the complaint or inquiry to be in writing on a form approved by the board, to be signed, and to show the home or business address, electronic-mail address and telephone number of the person who submitted it. The form shall contain a

1 statement that must be signed and which states that, to the best of the person's
2 knowledge, information, and belief formed after reasonable reflection, the information
3 in the complaint or inquiry is true. The rules shall require the complaint or inquiry to
4 describe the facts that constitute the alleged violation of this code of ethics in
5 sufficient detail so that the board and the person who is the subject of the complaint
6 or inquiry can reasonably be expected to understand the nature of any offense that is
7 being alleged;

8
9 **Section 7.** That section 2-58, D.R.M.C., shall be amended by the addition of language
10 underlined, to read as follows:

11
12 **Sec. 2-58. Subpoenas.**

13 The board of ethics shall have the power to subpoena documents and to
14 subpoena witnesses to make statements and produce documents. Persons who are
15 subpoenaed or whose records are subpoenaed may object to testimony or
16 production of documents based upon such information being privileged as
17 recognized by Colorado or federal law. The board may issue a subpoena only after a
18 written request to appear or provide records has not been complied with and after
19 consultation with the city attorney.

20
21 **Section 8.** That section 2-60, D.R.M.C. shall be amended by deleting the language
22 stricken and adding the language underlined, to read as follows:

23
24 **Sec. 2-60. Gifts to officers, officials, and employees.**

25
26 The purpose of this section is to avoid special influence by those who give gifts to
27 city officers, employees or officials.

28
29 (a) Except when acceptance is permitted by paragraph (b) below, it
30 shall be a violation of this code of ethics for any officers, officials, or employees,
31 or any member of their immediate families to solicit or to accept any of the
32 following items if (1) the officer, official, or employee is in a position to take direct

1 official action with regard to the donor; and (2) the city has an existing, ongoing,
2 or pending contract, business, or regulatory relationship with the donor:

3
4 (1) Any money, property, service, or thing of value that is given to a person
5 without adequate and lawful compensation;

6
7 (2) Any honoraria or payment for participation in an event;

8
9 (3) Any loan of goods, equipment, or other items that is not available to the
10 general public on the same terms and conditions;

11
12 (4) Any loan of money that is not available to the general public at the same
13 interest rate and the same conditions;

14
15 (5) Any ticket to a sporting, recreational, or cultural event except as provided
16 for in subsection (b)(4) of this section;

17
18 (6) Travel expenses and lodging;

19
20 (7) Any reduction in price or any discount that is not similarly available to all
21 city officers, officials, and employees on the same terms; ~~and~~

22
23 (8) Parking passes except as provided for in subsection (b)(4) of this section-
24 ; and

25
26 (9) Meals except as provided for in subsection (b)(4) of this section.

27
28 This prohibition shall also apply to gifts from a lobbyist or representative of a
29 client if (1) the officer, official, or employee is in a position to take direct official
30 action with regard to the client and (2) the city has an existing, ongoing, or
31 pending contract, business, or regulatory relationship with the client.

32
33 (b) Officers, officials, and employees and the members of their
34 immediate family may accept the following even if the officer, official, or

1 employee is in a position to take direct official action with regard to the donor, or,
2 if the donor is a lobbyist or representative, the donor's client:

3
4 (1) Gifts from other officers, officials, or employees and their family members
5 on appropriate occasions;

6
7 (2) Campaign contributions as permitted by law;

8
9 (3) Nonpecuniary awards that are publicly presented by an organization in
10 recognition of public service if the award is not extraordinary when viewed in light
11 of the position held by the recipient;

12
13 (4) The donation of meals, tickets to events for which admission is charged,
14 or free or reduced price admission to events for which a fee is charged, but only
15 under the following conditions:

16
17 a. ~~No more than a total of four meals, tickets, or free or reduced price~~
18 ~~admissions may be accepted from the same donor in any calendar year~~
19 ~~regardless of the value.~~ The total value of any such meals, tickets, or free or
20 reduced price admissions received from any one donor shall not exceed three-
21 hundred dollars (\$300.00) in any calendar year, and shall be subject to the
22 reporting requirements set forth in Article IV of this Chapter 2; provided, however,
23 that any meal, tickets, or free or reduced price admission as described in
24 paragraph (f) of this subsection (4) shall not be counted against the three-
25 hundred dollar (\$300.00) provided in this paragraph.

26
27 b. A donation from an employee or representative of a business or entity
28 shall be counted as a gift from the business or entity;

29
30 c. The individual or entity which pays for the meal, ticket, or admission shall
31 be considered the donor for purposes of this subsection regardless of whether
32 that individual or entity is reimbursed for the cost;

33

1 d. Attendance must be reasonably related to the official or ceremonial duties
2 of the officer, official, or employee;

3
4 e. The donation of parking for the meal or event shall be allowed on the
5 same terms and conditions;

6
7 f. Officers, officials and employees may accept the following donations of
8 meals, tickets or free admissions to events, regardless of the annual cap on the
9 value of such donations set forth in paragraph (a) of this subsection: meals
10 provided to all attendees at a public meeting and consumed while the meeting is
11 in progress, including by way of example "working lunches;" meals provided to all
12 members of any governmental, civic, or non-profit board of which the officer,
13 official or employee is a member and consumed in conjunction with any meeting
14 of the board; tickets or free admission to a charitable event, as long as the ticket
15 or free admission is offered directly by and at the expense of the charitable or
16 other non-profit entity hosting the event and not directly or indirectly offered by
17 any sponsor of the event or other donor to which the gift restriction set forth in
18 subsection (a) of this section applies.

19
20 (5) Unsolicited items of trivial value. "Items of trivial value" means items or
21 services with a value of twenty-five dollars (\$25.00) or less, such as inexpensive
22 tee shirts, pens, calendars, books, flowers, or other similar items and does not
23 mean cash or gift cards;

24
25 (6) Gifts while visiting other cities, counties, states, or countries or hosting
26 visitors from other cities, counties, states, or countries when it would be a breach
27 of protocol to refuse the gift;

28
29 (7) Reasonable expenses paid by non-profit organizations or other
30 governments for attendance at a convention, fact finding mission or trip, or other
31 meeting if the person is scheduled to deliver a speech, make a presentation,
32 participate on a panel, or represent the city in an official capacity reasonably
33 related to the recipient's employment by the city;

1 (8) Gifts on special and infrequent occasions if the gift is appropriate to the
2 occasion. These occasions include weddings, funerals, and illnesses;

3
4 (9) Gifts to commemorate a public event in which the officer, official, or
5 employee participated in an official capacity, provided that the gift is appropriate
6 to the occasion. Such occasions include ground breaking ceremonies and grand
7 openings;

8
9 (10) Memberships and passes from the Denver Art Museum, Denver Botanic
10 Gardens, Denver Museum of Nature and Science, and Denver Zoo.

11
12 (11) Gifts from family members;

13
14 (12) Items which are similarly available to all employees of the city or the
15 general public on the same terms and conditions.

16
17 (c) It shall not be a violation of this article for an officer, official, or
18 employee to solicit or accept donations to the city or to solicit, accept or redirect
19 donations for charitable purposes to a 501(c) or other charitable organization or
20 to provide assistance to individuals affected by illness, crime or disaster or who
21 have educational or other charitable needs, provided, however, that the individual
22 or entity solicited does not hold or reasonably could be anticipated to apply for a
23 contractual relationship to the city, that the officer, official or employee soliciting
24 such donations exercises no official action over the person or entity solicited, that
25 solicitation and financial records are maintained and provided that the soliciting
26 person, or a member of the soliciting person's immediate family does not keep or
27 use the gift or receive any monetary benefit therefrom.

28
29 (d) It shall not be a violation of this article for a member of an officer's,
30 official's or employee's immediate family to accept a gift which arises from an
31 independent relationship of an adult member, if:

32
33 (1) The officer, official or employee does not use the gift; and
34

1 (2) It cannot reasonably be inferred that the gift was intended to influence the
2 officer, official, or employee in the performance of his or her duties.
3
4

5 **Section 9.** That section 2-61, D.R.M.C. shall be amended by deleting the language
6 stricken and adding the language underlined, to read as follows:
7

8 **Sec. 2-61. Conflict of interest while employed.**
9

10 The purpose of this section is to avoid influence on the official actions of city officers,
11 employees or officials by their private or family interests.
12

13 (a) Except when advised by the city attorney that the rule of necessity
14 applies, an officer, official, or employee shall not take direct official action on a matter
15 before the city if he or she or a member of the immediate family, a business
16 associate or an employer other than the city of the officer, official or employee has
17 any substantial employment, contractual, or financial interest in that matter. A
18 substantial interest shall be deemed to exist if:
19

20 (1) He or she or a member of the immediate family, a business associate or an
21 employer other than the city is the other party in the matter;
22

23 (2) He, she, a spouse, a domestic partner or minor children solely or aggregated
24 together, a business associate or an employer owns or own one (1) percent or more,
25 or a member of the immediate family other than a spouse, domestic partner or minor
26 children own or owns five (5) percent or more, of another party in the matter;
27

28 (3) He or she, a member of the immediate family, a business associate or an
29 employer is a board member or an officer in another party in the matter;
30

31 (4) He or she, a member of the immediate family, a business associate or an
32 employer is directly involved in obtaining the city's business for another party in the
33 matter;
34

1 (5) He or she, a member of the immediate family, a business associate or an
2 employer is directly involved in negotiating the contract or preparing the bid,
3 proposal, response to a request for qualifications, or similar document for another
4 party in the matter, other than in a purely clerical capacity; or

5
6 (6) A member of his or her immediate family performs more than a nominal portion of
7 the work in the matter, or supervises or manages more than a nominal portion of the
8 work.

9
10 (7) He or she or a member of his or her immediate family participated personally in
11 providing legal representation, ~~or~~ lobbying or other professional services for another
12 party in the matter or owns five (5) percent or more of a law firm, ~~or~~ lobbying firm or
13 other professional services firm representing another party in the matter.

14
15 (b) For purposes of this section, business associate means a person or
16 entity with whom an officer, official or employee or a member of his or her immediate
17 family is a partner or a co-owner of a business in which the business associate and
18 the officer, official or employee or a member of his or her immediate family each own
19 at least one percent of the business.

20
21 (c) An officer, official, or employee may represent himself or herself before
22 a city board or commission in accord with such board's procedures, provided that the
23 officer, official, or employee does not also participate in the board's decision in his or
24 her official capacity.

25
26 (d) An officer, official, or employee may acquire an interest in bonds or
27 other evidences of indebtedness issued by the city or the board of water
28 commissioners so long as they are acquired on the same terms available to the
29 general public.

30
31 (e) It shall not be a violation of this code of ethics for an officer, official, or
32 employee to take direct official action on the following matters even if the person or a
33 relative employed by a city agency would benefit:
34

1 (1) The city's annual budget or an amendment to the annual budget; or

2
3 (2) Establishing the pay or fringe benefit plans of city officers, officials, or employees

4
5 (f) Officers, employees or officials who are prohibited from taking direct
6 official action due to a substantial conflict of interest shall disclose such interest to his
7 or her colleagues on a board or commission or to his or her supervisor or appointing
8 authority, shall not act or vote thereon, shall refrain from attempting to influence the
9 decisions of others in acting or voting on the matter and shall work with his or her
10 supervisor or appointing authority to ensure that the matter is assigned to someone
11 without conflicting interests.

12
13 (g) No officer, employee or official may have any other employment or position
14 which is incompatible with his or her duties or that adversely affect the interests of the
15 city.

16
17 **Section 10.** That section 2-62, D.R.M.C. shall be amended by deleting the language
18 stricken and adding the language underlined, to read as follows:

19 **Sec. 2-62. Prior employment.**

20
21 The ~~purpose~~ purposes of this section ~~is~~ are: (1) to indicate that persons are not
22 disqualified from a city job because of prior employment; (2) to avoid special
23 advantage being given to former employers of city officers, employees or officials;
24 and (3) to avoid special advantage being given to a city officer, employee or official
25 by a former employer.

26
27 No person shall be disqualified from service with the city as an officer, official,
28 or employee solely because of his or her prior employment. Officers, officials, and
29 employees shall not take any direct official action with respect to their former
30 employers for a period of six (6) months from the date of termination of the prior
31 employment.

32
33 **Section 11.** That section 2-63, D.R.M.C. shall be amended by adding the language
34 underlined, to read as follows:

1
2 **Sec. 2-63. ~~Contemporaneous or~~ Outside employment or business activity.**
3

4 The purposes of this section is to avoid possible conflicts of interest and time conflicts
5 between city jobs and outside employment or business activity.
6

7 (a) All officers other than elective officers and all employees shall report
8 existing or proposed outside employment (excluding unpaid volunteer activity) or
9 other outside business activity annually in writing to their appointing authorities and
10 obtain his or her appointing authority's approval thereof prior to accepting initial
11 employment or outside business activity. All officials shall immediately report any
12 change in employment status to their appointing authorities which could give rise to a
13 conflict of interest.
14

15 (b) If the appointing authority or the officer, official or employee believes
16 that there is a potential conflict of interest between the person's public responsibility
17 and his or her possible outside employment or outside business activity, he, she or
18 they are encouraged to consult the board of ethics.
19

20 (c) An officer or employee who has received the written permission of the
21 appointing authority may engage in outside employment or other outside business
22 activity. If, however, the board has rendered an advisory opinion to an officer,
23 employee or official and/or an appointing authority, and the Board has reason to
24 believe that the officer, employee or official has not complied with the opinion, the
25 Board shall notify the appointing authority and the appointing authority shall report to
26 the board in executive session regarding the action, if any, taken with respect to the
27 person.
28

29 (d) Copies of documents arising from this section shall be placed in each officer's
30 or employee's departmental personnel file.
31

32 (e) City resources may not be used for any outside employment or outside
33 business activity.
34

1 COMMITTEE APPROVAL DATE: _____, 2016.
2 MAYOR-COUNCIL DATE: _____, 2016.
3 PASSED BY THE COUNCIL _____ 2016

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____ 2016

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2016; _____ 2016

11

12 PREPARED BY: _____; DATE: _____

13

14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
15 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
16 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
17 3.2.6 of the Charter.
18

19

20 City Attorney

21

22 BY: _____, _____ City Attorney

23 DATE: _____

24

25

26